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Admiral Chester took the ground that the exemption of American coastwise shipping was absolutely in contradiction to the wording of the Hay-Pauncefote treaty, which obliged the United States to open the canal to all nations on terms of entire equality and without discrimination, provided they complied with the terms of neutrality. The exemption clause was also contrary to the spirit of all the negotiations relating to the isthmian canal, from the Clayton-Bulwer treaty of 1850 down to the treaty of Panama in 1904. Furthermore, it was wrong to say that the exemption of coastwise vessels of the United States would result in no discrimination. He instanced the discrimination that would necessarily result in a supposed case of a British vessel sailing from St. Andrews, N. B., and an American vessel from Belfast, Maine, points comparatively near together on the Canadian and the United States coast, the Canadian ship going to Victoria, B. C., and the American ship going to Port Townsend, Washington. The British vessel is charged at the rate of from \$0.75 to \$1.25 per ton for her cargo, while the American vessel is given free passage through the canal. "Are these vessels on terms of 'entire equality,' as is required by the treaty?" asked the Admiral. "Many other cases of seeming flagrant injustice might be cited, but I think this enough to show that England has 'probable cause,' at least, to make formal protest against the action of the American Government regarding the Hay-Pauncefote treaty."

Admiral Chester takes issue with those who believe that radical changes in the sovereignty exercised over the canal zone have made the Hay-Pauncefote treaty subject to abrogation, but holds that, on the other hand, Article IV of the treaty itself makes abrogation impossible, as stipulation is made that "no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty."

Admiral Chester favored arbitrating the case if we must, but preferred the repeal of the exemption clause by Congress. "Let us," he said, "do what England did for us at one time when the United States protested against unfair treatment in the matter of Canadian canal tolls. She caused the orders of the Canadian government to be revoked, and acknowledged that a mistake had been made. It is better to be right than to have the Panama Canal."

The views of the Admiral were supported by Dr. Tryon, who advised the repeal of the exemption clause by Congress. "As we cannot honorably abrogate the treaty," he said, "the only alternative would be arbitration. In fact, if we are unwilling to settle the dispute by diplomatic action, based upon the repeal of the objectionable clause, by Congress, we have practically thrown the case on the Hague Court already. Questions arising over the interpretation of a treaty are particularly susceptible of arbitration. This is shown by a resolution unanimously passed by the Second Hague Conference, by the texts of many treaties in force today between nations in pairs, and by the spirit of the recent arbitration treaties negotiated by President Taft with Great Britain and France, which apply to international differences arising under a treaty or otherwise, and are our latest record of opinion on the subject. But by the Anglo-American Arbitration Treaty of 1908, which

the new treaty was intended to supersede, but did not, there would be a clear obligation to arbitrate upon which Great Britain might fairly rely, or by the precedent of the Fisheries case, which concerned the interpretation of the Convention of 1818.

"Several conditions conspire to weaken our case, or imperil it, if we should arbitrate it. Although we should have faith that the judges selected for an international tribunal summoned under the rules of the Hague Convention for the Pacific Settlement of International Disputes would be, as they have been, impartial, we should not ignore the very human problem that confronts us in this particular dispute. Nominally, it would be a case of Great Britain *vs.* The United States, but in reality a case of The World *vs.* The United States. For, as it is for the interest of all nations to have equality of treatment in the matter of Panama Canal tolls, the judges, even though neutrals, would have to be appointed from states who are interested parties and might be biased in favor of the British contention.

"Moreover, the opinions of leading American newspapers show that the moral sense of the nation is against the American interpretation of the Hay-Pauncefote treaty, while some of our most respected statesmen, among whom are gentlemen of the highest standing in international law, have openly expressed the opinion that the United States is in the wrong. And then there is the vote taken by the Senate at the time of the ratification of the treaty, by which the idea of exempting our coastwise shipping from the meaning of the clause was rejected. In an arbitration these facts would make our case a hard if not a losing one to plead.

"Under the circumstances, therefore, the most sensible and just course is for Congress to repeal the clause exempting American coastwise vessels from the payment of the Panama tolls."

Book Notices.

WOMAN'S SHARE IN SOCIAL CULTURE. By Anna Garlin Spencer. 331 pages. Price, \$2 net. New York and London: Mitchell Kennerley.

Mrs. Spencer has given us in this volume a sane and reasonable and withal extremely well-written and interesting study of the vital problems that concern the womanhood of today. The chapters originally appeared as monthly articles in *The Forum*. They were written, however, as a continuous whole, and present to us first the Primitive Woman; the Ancient Woman, and the Modern Lady. Then we are brought by way of a historical sketch on the Drama of the Woman of Genius to the Day of the Spinster. In the chapter on the Pathology of Woman's Work we have presented the relationship of poverty and vice to the present position of women in the industrial field. Under the title of the Vocational Divide the author discusses the choice which has to be made by certain women of intelligence and marked ability between uninterrupted advance in a chosen career and the quieter field of service in the family. The School and the Feminine Ideal and the Social Use of the Post-graduate Mother present interesting educational questions, while the Problems of Marriage and Divorce are also clearly considered. In the closing section on Woman and the State Mrs. Spencer points out the lofty position women have often held in the past in the political arena, and indicates the

trend of modern society toward universal participation in government.

A detailed analysis of contents by chapters forms a valuable appendix, which would be helpful if the book were used as a text-book in sociological study.

THE GERMAN EMPEROR AND THE PEACE OF THE WORLD.

By Alfred H. Fried. With a preface by Norman Angell. 214 pages. Price, \$1.50, net. New York and London: Hodder and Stoughton.

In his introduction the author explains that the book is intended to show the German Emperor's attitude toward world peace and to explain his views for the promotion of a community of States. In six chapters we are given a clear account of how the "War Lord" is developing into a "Peacemaker." The various occasions on which the Emperor has expressed his belief in the "necessity of a union between the nations of Europe in the interests of humanity and civilization;" his friendly relations with many of the pacifists and his growing interest in the movement which they represent; the number of arbitration treaties in which Germany has been a party in the last ten years, and similar manifestations of the growing interest in peace during the Emperor's reign, are among the points dwelt upon. The steps are traced by which Germany was led to withdraw her opposition to the optional court of arbitration and the permanent tribunal at the First Hague Conference. One chapter is devoted to the Emperor's relations with France—his kindly feelings, his attitude of courtesy, and the liking which the French people have for him. That the Emperor will one day see how unsatisfactory is the method of preserving peace by being prepared for war, and will perhaps himself be the one to bring about a peace alliance of Europe, is the belief of Mr. Fried.

Mr. Fried has devoted his life to the work of pacifism; he is the editor of "*Die Friedenswarte*," one of the most important of the peace periodicals, and has been the recipient of the Nobel Peace Prize for his valiant labors in the cause. He is therefore well fitted to write impartially and without prejudice.

THE ESSENTIALS OF INTERNATIONAL PUBLIC LAW. By Amos S. Hershey, Ph. D. New York: The Macmillan Company, 66 Fifth avenue. 558 pages. Price, \$3.00 net.

The author of this work is professor of Political Science and International Law in the State University of Indiana, and is well known as an able writer of magazine articles on public questions of the day, particularly those of an international character. The purpose of his work is to furnish teachers and students with an up-to-date text suited to the needs of the class-room, and also furnish specialists and the general public with a scientific treatise on the subject. The work is based mainly on contemporary sources and authorities, and contains reviews of the more important of the recent contributions to International Law contained in periodicals and monographs. Dr. Hershey has included in the body of the text those parts of International Law which have been codified, viz., The Hague Conventions, etc. Part IV will especially interest pacifists, as it deals with methods of settling international differences, both amicable and non-amicable. The whole work bears evidence of an enormous amount of study and research and of the careful and wise use of the material exam-

ined. The book is a real contribution to the literature of the recent history and progress of International Law, and ought to be of very great value to students of the subject. Its value is much heightened by an unusually complete list of authorities and a table of cases.

PEACE THEORIES AND THE BALKAN WAR. By "Norman Angell." London: Horace Marshall and Son. 140 pages. Paper, 1 shilling, net; cloth, 1 shilling six pence, net.

This booklet, by the author of "The Great Illusion," is an application of the peace theories of that remarkable work to the present conflict between the Balkan Allies and Turkey. It contains the author's replies to various objections which have been raised against his theories since the outbreak of the Balkan war. It is in the writer's well-known strong and lucid style.

THE FIRST HAGUE CONFERENCE. By Andrew D. White. Boston: The World Peace Foundation. 123 pages. Price, 55 cents.

The chapters of this small book are a reprint of the interesting and instructive sections of ex-Ambassador White's autobiography, which recorded his experiences as head of the American delegation at the first Hague Conference. There is no better source of information about what was done in that memorable first Hague Conference, in which Dr. White played so conspicuous a part.

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